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10/058,924	01/30/2002	Hisayoshi Tsubaki	FJ-2001-041-US	7396

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2625	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/058,924	TSUBAKI ET AL.	
	Examiner	Art Unit	
	Sath V. Perungavoor	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

[1] The response filed on 25 March 2005 has been entered and made of record.

Response to Arguments/Amendments

[2] Applicant's arguments filed on 25 March 2005 have been fully considered, but are moot in view of the new ground(s) of rejection.

Priority

[3] Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2001-067124, filed on 9 March 2001.

[4] Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 2001-024288, filed on 31 January 2001.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

[5] Claims 1-3, 12, 37, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang [US 6,038,333].

Regarding claim 1, Wang discloses the following claim limitations:

> An image recording method, comprising *[Figure 3B]*: an information loading step of loading identification information on a subject and subject information used by a photographer to confirm the subject, in a digital camera before photographing the subject *[Column 3 Lines 25-30 and 59-65, Figure 3A, Column 6 Lines 1-11: The input image acts as the identification information used to query the database to produce an identification information and an image. The result is used to confirm the subject and then a photograph is taken.]*; a display step of displaying, on the basis of the subject information, subject information on a display device of the digital camera *[Figure 3A]*; a photographing step of photographing the subject using the digital camera after confirming the subject on the basis of the display on the display device *[Column 6 Lines 1-11: Current method uses negative confirmation to take the photograph, one could prima facie without undue distress implement positive confirmation.]*; and a recording step of recording the photographed image of the subject in connection with the identification information loaded in the information loading step *[Column 6 Lines 5-11]*.

Regarding claim 2, Wang discloses the following claim limitations:

The image recording method according to claim 1, wherein the image recorded in connection with the identification information is saved to a database *[Column 6 Lines 5-11]*.

Regarding claim 3, Wang discloses the following claim limitations:

The image recording method according to claim 2, wherein the subject information comprises at least one of the subject's photograph and name *[Figure 3A]*.

Regarding claim 12, Wang discloses the following claim limitations:

The image recording method according to claim 1, wherein the subject information comprises at least one of the subject's photograph and name *[Figure 3A]*.

Regarding claims 37, 38 and 40, all claimed limitations are set forth and rejected as per discussion for claims 1-3.

[6] Claims 4, 11, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of "Core bibliographic information in the TIFF header" (hereinafter "TIFF") [NPL document, see PTO-892].

Regarding claim 4, Wang meets the claim limitations as discussed in claim 2.

Wang does not explicitly disclose the following claim limitations: The recording step records the identification information loaded in the information loading step, in a header part of an image file in which the photographed subject image is recorded.

However, in the same field of endeavor TIFF discloses the deficient claim limitations, as follows: TIFF discloses ability to record identification information in the header of an image file *[Page 1: ImageDescription]*.

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of Wang with TIFF to record the identification information loaded in the information loading step, in a header part of an image file in which the photographed subject image is recorded. The motivation being the ability to sort and process digital images in a computer.

Regarding claim 11, Wang meets the claim limitations as discussed in claim 1.

Wang does not explicitly disclose the following claim limitations: the information loading step loads recorded image information containing at least one of image format, the number of pixels, compression rate, file size, and image aspect ratio.

However, in the same field of endeavor TIFF discloses the deficient claim limitations, as follows: TIFF discloses ability to record number of pixels, compression rate, file size, and image aspect ratio in the header of an image file *[Pages 1-2]*.

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of Wang with TIFF to record number of pixels, compression rate, file size, and image aspect ratio. The motivation being the ability to sort and process digital images in a computer.

Regarding claim 13, Wang meets the claim limitations as discussed in claim 1.

Wang does not explicitly disclose the following claim limitations: The recording step records the identification information loaded in the information loading step, in a header part of an image file in which the photographed subject image is recorded.

However, in the same field of endeavor TIFF discloses the deficient claim limitations, as follows: TIFF discloses ability to record identification information in the header of an image file *[Page 1: ImageDescription]*.

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of Wang with TIFF to record the identification information loaded in the information loading step, in a header part of an image file in which the photographed subject image is recorded. The motivation being the ability to sort and process digital images in a computer.

[7] Claims 5-7, 9-10, 15-17, 19 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Kuperstein et al. (hereinafter "Kuperstein") [US 6,128,398].

Regarding claim 5, Wang discloses the following claim limitations: a step of reading the subject information corresponding to the read identification information, from a database having the subject information already stored in connection with the subject identification information *[Column 3 Lines 59-65]*; and a transmitting step of transmitting the subject information read from the database, to the digital camera together with the identification information *[Column 3 Lines 59-65]*.

Wang does not explicitly disclose the following claim limitations: a step of reading the subject identification information from a recording medium having the identification information recorded thereon;

However, in the same field of endeavor Kuperstein discloses reading identification information from a recording medium *[12 on Figure 1]*.

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of Wang with Kuperstein to perform reading the subject identification information from a recording medium. The motivation being the ability to provide secure access *[Kuperstein, Column 4 Lines 20-31]*.

Regarding claim 6, Wang discloses the following claim limitations:

The image recording method according to claim 5, wherein while the subject identification information and the subject information are being transmitted to the digital camera, the digital camera is inhibited from being used for photographing *[Column 3 Lines 59-65, Column 6 Lines 1-11]*.

Regarding claim 7, Wang discloses the following claim limitations:

The image recording method according to claim 5, wherein the subject information comprises at least one of the subject's photograph and name *[Figure 3A]*.

Regarding claim 9, Wang discloses the following claim limitations:

The image recording method according to claim 5, wherein: the step of reading the identification information reads plural pieces of identification information so that these pieces can be accumulated *[Column 3 Lines 25-31]*; and the transmitting step transmits the identification information and the subject information in response to an information obtainment request from the digital camera *[Column 3 Lines 59-65]*.

Regarding claim 10, Wang discloses the following claim limitations:

The image recording method according to claim 9, wherein while the subject identification information and the subject information are being transmitted to the digital camera, the digital camera is inhibited from being used for photographing *[Column 3 Lines 59-65, Column 6 Lines 1-11]*.

Regarding claim 15, all claimed limitations are set forth and rejected as per discussion for claim 5.

Regarding claim 16, Kuperstein discloses the following claim limitations:

The image recording apparatus according to claim 15, wherein the recording medium comprises one of is a card, a magnetic card, and an IC card including a bar code recorded thereon, and the input device comprises a card reader *[12 and 14 on Figure 1]*.

Regarding claim 17, Wang discloses the following claim limitations:

The image recording apparatus according to claim 15, further comprising a communication device which transmits the image recorded in connection with the identification information, to the database *[Column 3 Lines 56-58]*.

Regarding claim 19, all claimed limitations are set forth and rejected as per discussion for claim 5.

Regarding claim 20, all claimed limitations are set forth and rejected as per discussion for claim 16.

Regarding claim 21, all claimed limitations are set forth and rejected as per discussion for claim 17.

Regarding claim 39, all claimed limitations are set forth and rejected as per discussion for claim 5.

[8] Claims 8, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Kuperstein further in view of TIFF.

Regarding claim 8, Wang and Kuperstein meet the claim limitations as discussed in claim 5.

Wang and Kuperstein do not explicitly disclose the following claim limitations: The recording step records the identification information loaded in the information

loading step, in a header part of an image file in which the photographed subject image is recorded.

However, in the same field of endeavor TIFF discloses the deficient claim limitations, as follows: TIFF discloses ability to record identification information in the header of an image file *[Page 1: ImageDescription]*.

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of Wang and Kuperstein with TIFF to record the identification information loaded in the information loading step, in a header part of an image file in which the photographed subject image is recorded. The motivation being the ability to sort and process digital images in a computer.

Regarding claim 18, all claimed limitations are set forth and rejected as per discussion for claim 8.

Regarding claim 22, all claimed limitations are set forth and rejected as per discussion for claim 8.

[9] Claims 14, 23-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (hereinafter "Allen") [US 5,737,491].

Regarding claim 14, Allen discloses the following claim limitations:

An image transmitting method, comprising *[Figure 1]*: an input step of inputting destination information from an external device to a digital camera, the information being indicative of a destination of an image, wherein said input steps inputs destination to the

digital camera using radio communication *[27 on Figure 1; Column 3 Lines 1-2, 5-10 and 35-38; Cited reference shows a method of entering e-mail address which is a destination address for secondary communication lines. Radio communication-based keyboard and mouse are notoriously well known in the art see US 5,307,297. OFFICIAL NOTICE.]*; a photographing step of photographing a subject using the digital camera *[10 on Figure 1]*; a recording step of recording the photographed image of the subject in connection with the destination information input in the input step *[Column 2 Lines 66-67 and Column 4 Lines 21-22]*; and a transmitting step of transmitting the photographed subject image to the destination corresponding to the destination information, on the basis of the destination information recorded in connection with the image *[Column 3 Lines 1-2 and 35-38]*.

Regarding claim 23, Allen discloses an image recording method, comprising (*Figure* 1): inputting added-to-image information added to an image of a subject and display information associated with the added-to-image information are input to a digital camera from an external device using radio communication *[27 on Figure 1; Column 2 Lines 63-65; Column 3 Lines 1-2, 5-10 and 35-38: Radio communication-based keyboard and mouse are notoriously well known in the art see US 5,307,297. OFFICIAL NOTICE.]*; displaying the display information on a display device of the digital camera on the basis of the display information input from the external device *[16 on Figure 1; It would be inherent that the viewfinder would display the inputted information.]*; and after photographing the subject, recording an image of the subject and also records the added-

to-image information input from the external device in connection with the image *[22 on Figure 1 and Column 2 Lines 38-39 and 57-58; Cited reference stores the identification information as control signals, which is stored in the image file containing the photograph.]*.

Regarding claim 24, Allen discloses the image recording method according to claim 23, wherein the display information is used by a photographer to check at least one of contents and correctness of the added-to-image information added to the subject image *[16 on Figure 1, Column 2 Lines 65-67: It would be inherent to check correctness of the added-to-image with the viewfinder.]*.

Regarding claim 25, Allen discloses the image recording method according to claim 24, wherein the display information comprises one of test information and image information which can be displayed on the display device *[16 on Figure 1, Column 2 Lines 65-67: It would be inherent to display the image and test information on the viewfinder.]*.

Regarding claim 26, Allen discloses the image recording method according to claim 24, wherein the added-to-image information comprises binary information, and the display information comprises text information corresponding to the binary information *[Column 4 Lines 62-65; All files are stored in binary format in memory and text is converted to ASCII then into binary.]*.

Regarding claim 27, Allen discloses the image recording method according to claim 24, wherein the added-to-image information is recorded in a header part of an image file in which an image of the subject is recorded *[Column 4 Lines 21-22 and 62-65]*.

Regarding claim 28, Allen discloses the image recording method according to claim 23, wherein the display information comprises at least one of test information or image information which can be displayed on the display device *[16 on Figure 1, Column 2 Lines 65-67: It would be inherent to display the image and test information on the viewfinder.]*.

Regarding claim 29, Allen discloses the image recording method according to claim 23, wherein the added-to-image information comprises binary information, and the display information comprises text information corresponding to the binary information *[Column 4 Lines 62-65; All files are stored in binary format in memory and text is converted to ASCII then into binary.]*.

Regarding claim 30, Allen discloses the image recording method according to claim 23, wherein the added-to-image information is recorded in a header part of an image file in which an image of the subject is recorded *[Column 4 Lines 21-22 and 62-65]*.

Regarding claim 31, Allen discloses the image recording method according to claim 23, wherein the added-to-image information comprises at least one of either numerical locational information on the subject and identification information already imparted to the subject *[Column 3 Lines 1-4, Column 4 Lines 55-60]*.

Regarding claim 32, Allen discloses the image recording method according to claim 31, wherein the display information is used by a photographer to check at least one of contents and correctness of the added-to-image information added to the subject image *[16 on Figure 1; It would be inherent to check correctness and content of the added-to-image with the viewfinder.]*.

Regarding claim 33, Allen discloses the image recording method according to claim 32, wherein the display information comprises one of test information and image information which can be displayed on the display device *[16 on Figure 1, Column 2 Lines 65-67: It would be inherent to display the image and test information on the viewfinder.]*.

Regarding claim 34, Allen discloses the image recording method according to claim 32, wherein the added-to-image information comprises binary information, and the display information comprises text information corresponding to the binary information

[Column 4 Lines 62-65; All files are stored in binary format in memory and text is converted to ASCII then into binary.].

Regarding claim 35, Allen discloses the image recording method according to claim 32, wherein the added-to-image information is recorded in a header part of an image file in which an image of the subject is recorded *[Column 4 Lines 21-22 and 62-65]*.

Regarding claim 36, Allen discloses an image recording system, comprising (*Figure* 1): an external device which outputs, using radio communication, added-to-image information added to an image of a subject and display information associated with the added-to-image information *[27 on Figure 1; Column 2 Lines 63-65; Column 3 Lines 1-2, 5-10 and 35-38: It would be inherent to display the image information on the viewfinder. Radio communication-based keyboard and mouse are notoriously well known in the art see US 5,307,297. OFFICIAL NOTICE.]*; and a digital camera comprising (10 on *Figure* 1): a display device which displays the display information on the basis of the display information input from the external device using radio communication *[16 and 32 on Figure 1; Column 3 Lines 1-2, 5-10 and 35-38: It would be inherent to display the image information on the viewfinder. Radio communication-based keyboard and mouse are notoriously well known in the art see US 5,307,297. OFFICIAL NOTICE.]*; and a recording device which records an image of the subject after the subject has been photographed and records the added-to-image information input from the external device,

in connection with the image *[10 on Figure 1; 22 on Figure 1 and Column 2 Lines 38-39 and 57-58; Cited reference stores the identification information as control signals, which is stored in the image file containing the photograph.]*.

[10] Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Allen.

Regarding claim 41, Wang discloses the following claim limitations: An image transmitting method *[Figure 2]*, comprising:

inputting identification information on a subject and subject information from a external device to a digital camera *[Column 3 Lines 25-30 and 59-65, Figure 3A, Column 6 Lines 1-11: The input image acts as the identification information used to query the database to produce an identification information and an image.]*, wherein the subject information includes information used by a photographer to confirm the subject, before photographing the subject *[Column 3 Lines 25-30 and 59-65, Figure 3A, Column 6 Lines 1-11: The input image acts as the identification information used to query the database to produce an identification information and an image. The result is used to confirm the subject and then a photograph is taken. Current method uses negative confirmation to take the photograph, one could prima facie without undue distress implement positive confirmation.]*, and displaying, on the basis of the subject information, subject information on a display device of a digital camera *[Figure 3A]*; photographing the subject using the digital camera after confirming the subject on the basis of the display on the

display device *[Column 6 Lines 1-11: Current method uses negative confirmation to take the photograph, one could prima facie without undue distress implement positive confirmation.]*; recording the photographed image of the subject in connection with the identification information input *[Column 6 Lines 5-11]*; and

Wang does not explicitly disclose the following claim limitations:

inputting destination information from a external device to a digital camera, wherein the destination information includes information indicative of a destination of an image; recording the photographed image of the subject in connection with the destination information input; and transmitting the photographed subject image to the destination corresponding to the destination information, on the basis of the destination information recorded in connection with the image.

However, in the same field of endeavor Allen discloses the deficient claim limitations, as follows:

inputting destination information from a external device to a digital camera *[27 on Figure 1; Column 3 Lines 1-2, 5-10 and 35-38; Cited reference shows a method of entering e-mail address which is a destination address for secondary communication lines.]* wherein the destination information includes information indicative of a destination of an image *[27 on Figure 1; Column 3 Lines 1-2, 5-10 and 35-38; Cited reference shows a method of entering e-mail address which is a destination address for secondary communication lines.]*; recording the photographed image of the subject in connection with the

destination information input *[Column 2 Lines 66-67 and Column 4 Lines 21-22]*; and transmitting the photographed subject image to the destination corresponding to the destination information, on the basis of the destination information recorded in connection with the image *[Column 3 Lines 1-2 and 35-38]*.

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of Wang with Allen to include destination information inputs, because this provides a fast and easy way to transmit images over traditional methods *[Allen Column 1 Lines 27-30]*.

Contact Information

[11] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Sath V. Perungavoor whose telephone number is (571) 272-7455. The examiner can normally be reached on Monday to Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Bhavesh M. Mehta whose telephone number is (571) 272-7453, can be reached on Monday to Friday from 9:00am to 5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2625
May 31, 2005

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